

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated June 13, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-18 are pending in the Application. Claims 1, 14, 15, 16, 17 and 18 are independent claims.

In the Office Action, claims 1, 14 are rejected under 35 U.S.C. §112, second paragraph and claims 1, 6, 14, 15, 16, 17 and 18 are rejected under 35 U.S.C. §112, first paragraph. These rejections of claims 1, 6, 14, 15, 16, 17 and 18 are respectfully traversed. However, in the interest of expediting consideration and allowance of the pending claims, the Applicants have elected to amend the claims to clarify that which is recited in the claims as indicated above. Accordingly, it is respectfully submitted that claims 1, 6, 14, 15, 16, 17 and 18 are in proper form and comply with the written description requirement. Accordingly, it is respectfully requested that these rejections under 35 U.S.C. §112, first and second paragraphs, be withdrawn.

Claim 15, 16 and 18 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,314,196 to Yamaguchi ("Yamaguchi"). Claims 1-6, 14 and 17 are rejected under 35 U.S.C. §103(a) over Yamaguchi in view of U.S. Patent No. 7,093,131 to Kobayashi ("Kobayashi"). Claims 7 and 9-11 are rejected under 35 U.S.C. §103(a) over Yamaguchi in view of U.S. Patent No. 5,799,098 to Ort ("Ort"). Claims 12 and 13 are rejected under 35 U.S.C. §103(a) over Yamaguchi in view of U.S. Patent No. 6,035,398 to Bjorn ("Bjorn"). These rejections are respectfully traversed. It is

respectfully submitted that claims 1-18 are allowable over Yamaguchi alone and in view of any combination of Kobayashi, Ort, and Bjorn for at least the following reasons.

It is undisputed that Yamaguchi fails to disclose or suggest "inserting the criteria W in the authentication data, and storing the criteria W to a storage device". (See, the Office Action, page 10.) The Office Action relies on Kobayashi for supplying that which is admitted missing from Yamaguchi, however, it is respectfully submitted that reliance on Kobayashi is misplaced.

It is undisputed that (emphasis added) "Kobayashi discloses add time, positional, environmental condition, personal, and apparatus information to digital data as authentication information (col. 16, line 42-49, and Fig. 3, S116)" as asserted in the Office Action (see, Office Action, pages 22-23 in a Response to Arguments section). However, it is respectfully submitted that the claims can not be read so broadly as to merely require the storing of authenticating information.

As made clear in claim 1, the control value V is generated in dependence of the criteria guiding the creating of the property sets I and A, and the criteria is stored together with the control value V.

Kobayashi makes clear that (emphasis added) "the generated time information, positional information, and environmental condition information, as well as the read-out personal information and apparatus information, are added as authenticating information to the digital data entered by the digital camera 10 ..." (See, Kobayashi, Col. 16, lines 34-39.) Accordingly, as clear from Kobayashi, the authenticating information is just additional information that is not used to guide the creating of property sets that the control value is generated from, as substantially recited in each of claims 1, 14, 15, 16, 17 and 18.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Yamaguchi in view of Kobayashi. For example, Yamaguchi in view of Kobayashi does not teach, disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "creating a property set I from the measured property set Y that meet a predetermined robustness criterion; creating a property set A from the property set I that includes less information on the actual properties than property set Y, wherein the creating acts are guided by a criteria; generating a control value V in dependence on properties of the property set A; and storing the control value V and the criteria together as the generated authentication data to a storage device, wherein the criteria is not a member of property sets utilized for generating the control value V" as recited in claim 1, and as similarly recited in each of claims 14, 15, 16, 17 and 18. Each of Ort and Bjorn are introduced for allegedly showing elements of the dependent claims and as such, do nothing to cure the deficiencies in Yamaguchi in view of Kobayashi.

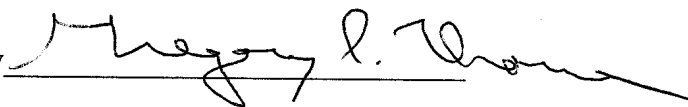
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 14, 15, 16, 17 and 18 are patentable over Yamaguchi in view of Kobayashi and notice to this effect is earnestly solicited. Claims 2-13 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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